

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JUAN MORGAN,)	
Plaintiff,)	
)	
v.)	Civ. No.: 05-989(RCL)
)	ECF
MIKE JOHANNNS,)	
Secretary, Dept. of Agriculture,)	
)	
Defendant.)	
_____)	

DEFENDANT’S CONSENT MOTION FOR AN EXTENSION OF TIME

Pursuant to Fed. R. Civ. P. 6(b)(2), Defendant Mike Johanns, Secretary, U.S. Department of Agriculture, in his official capacity, respectfully moves the Court for a thirty-day extension of time for the parties to complete the Rule 16.3 Conference and file the Rule 16 Report.

There is good cause to grant this Motion. On December 13, 2005, the Court issued an order requiring the parties to hold a Rule 16.3 Conference fifteen days from the date of the Order. See Dkt. No. 10. The Order also requires the parties to file a Rule 16 Report within ten days after the Rule 16.3 Conference. Id. Under the Court’s Order, the deadline for the parties to confer was on December 28, 2005, and the deadline for the Rule 16 Report’s submission is on January 12, 2006.

The undersigned counsel miscalendared the deadline for the Rule 16.3 Conference for December 29, 2005, and, therefore, did not contact Mr. Juan Morgan until today. At present, Mr. Morgan appears to be proceeding this case *pro se*. When the undersigned finally reached Mr. Morgan in Panama City, Panama, Mr. Morgan informed the undersigned that he (Mr. Morgan) has an attorney (Mr. John F. McHugh) to represent him in this case. The undersigned asked for counsel’s contact information and terminated the call immediately. Currently, the

Docket does not show that Mr. McHugh or any one else has made an appearance on behalf of Mr. Morgan.

The undersigned then contacted Mr. McHugh and explained the above to him. Mr. McHugh explained that he represented Mr. Morgan at the administrative level but is not counsel of record in this case. Mr. McHugh further elaborated that he is not admitted in this jurisdiction and is in the process of obtaining local counsel to represent Mr. Morgan in this litigation. The undersigned then suggested to Mr. McHugh that it might be best to seek an extension of time for Mr. Morgan to obtain local counsel prior to completing the Rule 16.3 Conference and filing the Rule 16 Report. The undersigned then explained the requirement of Local Rule 7(m) and Mr. McHugh consented to this Motion.

Under these facts, there is good cause for the Court to grant the requested 30-day extension for the parties to complete the Rule 16.3 Conference and file the Rule 16 Report. Accordingly, Defendant respectfully requests that the parties have up to and including January 30, 2006, to complete the Rule 16.3 Conference, and up to and including February 13, to file the Rule 16 Report.

Dated: December 29, 2005.

Respectfully Submitted,

/s/

KENNETH L. WAINSTEIN, D.C. BAR #451058
United States Attorney

/s/

R. CRAIG LAWRENCE, D.C. BAR #171538
Assistant United States Attorney

/s/

JOHN C. TRUONG, D.C. BAR #465901

Assistant United States Attorney

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(202) 307-0406

Attorneys for Defendant

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_____)	

**[PROPOSED] ORDER GRANTING DEFENDANT'S CONSENT
MOTION FOR AN EXTENSION OF TIME**

Upon consideration of Defendant's Consent Motion for an Extension of Time and the entire record herein, it is this _____ day of _____, 200_,

ORDERED that Defendant's Consent Motion for an Extension of Time be and is hereby GRANTED; and it is

FURTHER ORDERED that the parties have up to and including January 30, 2006, to complete the Rule 16.3 Conference and February 13, 2006, to file the Rule 16 Report.

SO ORDERED.

U.S. District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on December 29, 2005, service of the foregoing
Defendant's Motion for Extension of Time was made via the Court's Electronic Case Filing
System and by first class, postage prepaid mail to *pro se* plaintiff and his counsel addressed as
follows:

Juan Morgan
Pro se Plaintiff
PSC 2, Box 2814
APO AA 34002

John F. McHugh, Esq.
6 Water Street
New York City, NY 10004

_____/s/
JOHN C. TRUONG
Assistant United States Attorney